

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM RONALD BUTCHER, }
Petitioner, }
v. } Civil Action No. 09-27 Erie
COMMONWEALTH OF PENNSYLVANIA, et al., }
Respondents. }

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on February 10, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 21], filed on July 9, 2009, recommended that Petitioner's Petition for Writ of Habeas Corpus [Doc. No. 4] be dismissed without prejudice, that his pending motion for the appointment of counsel, for transcripts, for evidentiary hearing and for bail [Doc. No. 20] be dismissed as moot, and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. Petitioner filed objections on July 27, 2009 [Doc. No. 22]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 30th day of July, 2009;

IT IS HEREBY ORDERED that the Petitioner's Petition for Writ of Habeas Corpus [Doc. No. 4] is DISMISSED without prejudice; the Petitioner's motion for appointment of counsel, for transcripts, for evidentiary hearing and for bail [Doc. No. 20] is DISMISSED as moot; and a certificate of appealability is DENIED.

The Report and Recommendation [Doc. No. 21] of Magistrate Judge Baxter, filed on July 9, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge